



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/722,244

11/25/2003

Todd R. Carroll

11632N/022020

6655

32885

7590

06/08/2006

STITES & HARBISON PLLC
424 CHURCH STREET
SUITE 1800
NASHVILLE, TN 37219-2376

EXAMINER

MILLER, WILLIAM L

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 06/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/722,244

Applicant(s)

CARROLL ET AL.

Examiner

William L. Miller

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 26-41 is/are allowed.
- 6) ☒ Claim(s) 1-3, 10-16, 18-25, 42 is/are rejected.
- 7) ☒ Claim(s) 4-9 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 4-6 are objected to because of the following informalities: claim 4, line 2, claim 5, line 1, and claim 6, line 1, change "management" to --purifying--. See claims 36-37.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 10-16, 18, 22-25, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 02/074217 (hereinafter WO217) in view of WO 99/15128 (hereinafter WO128).
4. Regarding claims 1 and 42, WO217 discloses a container 10 for storing or transporting at least one contaminated item, comprising: a plurality of polymeric, multi-layered chemical composite flexible walls 14,16 that are impervious to gases and liquid and define an interior chamber 22 that has sufficient dimensions to accommodate said contaminated item; a gas-tight closable opening 20 for placing and removing said contaminated item in the interior chamber; and an air management system that filters (i.e. provides a form of air purification) (page 5, lines 24-29) and releases pressure from the inside of said interior chamber via uni-direction pressure relief valves 24,26.

Art Unit: 3677

5. Regarding claims 1, 11, and 42, WO217 fails to disclose a closeable and openable opening, or zipper, for placing and removing said contaminated item in the interior chamber. However, WO128 discloses a similar container 1 including a gas-tight closable and openable opening, namely zipper 2, for placing and removing said contaminated item in the interior chamber (abstract). Therefore, as taught by WO128, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify WO217 such that the container included a gas-tight closable and openable opening, or zipper, for placing and removing said contaminated item in the interior chamber thereby simplifying the process of inserting and removing the remains.

6. Regarding claim 2, the item is a human or animal body (page 1, lines 26-27).

7. Regarding claims 3 and 13-15, the multi-layered chemical composite is a thermoplastic resin, such as polypropylene (page 2, lines 21-26), which is “resistant” to claimed contaminates/chemicals and “attenuates” at least one of alpha, beta, gamma radiation.

8. Regarding claim 10, since the modified container of WO217 includes all the limitations of claim 1, then it will meet the standard inflation testing as claimed.

9. Regarding claim 12, although modified WO217 fails to disclose the specific zipper material, it would have been obvious to one of ordinary skill in the art to fabricate the zipper using one of the claimed materials as the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

10. Regarding claim 16, although WO217 fails to specifically disclose a layer as a thermoplastic polyolefin elastomer, WO217 invites any plastic material for the layers such as

Art Unit: 3677

polyolefin, nylon, or polyvinyl, and it would have been obvious to one of ordinary skill in the art to utilize a thermoplastic polyolefin elastomer layer as the selection of a known material based upon its suitability for the intended use is a design consideration within the skill of the art. In re Leshin, 227 F.2d 197, 125 USPQ 416 (CCPA 1960).

11. Regarding claim 18, the walls form an extended tubular body.

12. Regarding claims 22 and 23, the multi-layer walls may include polyvinyl chloride, which is a polymeric abrasion resistant fabric surface (page 2, lines 14-26).

13. Regarding claims 24 and 25, the interior chamber includes a super absorbent polymer, namely pads 46,48 adhered to the walls that define the chamber.

14. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO217 in view of WO128, as discussed above, and further in view of Langley (US#5169697).

15. Although WO217 discloses the container seams are hermetically sealed via heating, WO217 fails to disclose the seams being sewn and sealed with a chemically resistant tape. However, Langley discloses a multi-layered chemical composite barrier material wherein its seams are sewn and sealed with a chemically resistant tape to enhance the barrier effect (col. 2, lines 24-36). Therefore, as taught by Langley, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify WO217 such that the seams were sewn and sealed with a chemically resistant tape to enhance the barrier effect of the container.

Allowable Subject Matter

16. Claims 4-9 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

17. Claims 26-41 are allowed.

Response to Arguments

18. Regarding claims 1 and 42, the applicant argues WO'217 fails to disclose a uni-directional pressure valve. The examiner disagrees as elements 24,26 define the claimed valve as previously indicated in the rejection mailed 06-28-2005.

19. The applicant argues claim 33 represents a combination of claims 1 and original claim

17. This statement is false as claim 33 is a combination of claims 1 and original claim 9.

Conclusion

20. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

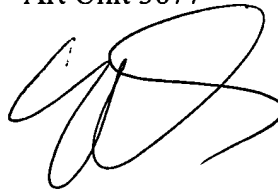
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Miller whose telephone number is (571) 272-7068. The examiner can normally be reached on Tuesday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William L. Miller
Primary Examiner
Art Unit 3677

A handwritten signature in black ink, appearing to be 'WLM', with a large, stylized loop at the end.

WLM